

IC 32-34-6

Chapter 6. Transfer of Property Interests in Molds

IC 32-34-6-1

Inapplicability of chapter; rights, title, or interest not granted

Sec. 1. (a) This chapter does not apply where a fabricator retains title to and possession of a die, mold, form, jig, or pattern.

(b) This chapter does not grant a customer any rights, title, or interest to a die, mold, form, jig, or pattern.

As added by P.L.2-2002, SEC.19.

IC 32-34-6-2

"Customer" defined

Sec. 2. As used in this chapter, "customer" means an individual or entity who contracts with or causes a fabricator:

(1) to fabricate, cast, or otherwise make a die, mold, form, jig, or pattern; or

(2) to use a die, mold, form, jig, or pattern to manufacture, assemble, or otherwise make a product.

As added by P.L.2-2002, SEC.19.

IC 32-34-6-3

"Fabricator" defined

Sec. 3. As used in this chapter, "fabricator" means an individual or entity, including a tool or die maker, who:

(1) manufactures, causes to be manufactured, assembles, or improves a die, mold, form, jig, or pattern for a customer; or

(2) uses a die, mold, form, jig, or pattern to manufacture, assemble, or otherwise make a product for a customer.

As added by P.L.2-2002, SEC.19.

IC 32-34-6-4

"Within three (3) years after the last prior use" defined

Sec. 4. As used in this chapter, "within three (3) years after the last prior use" includes any period after the last prior use of a die, mold, form, jig, or pattern, regardless of whether the period was before July 1, 1994.

As added by P.L.2-2002, SEC.19.

IC 32-34-6-5

Transfer of rights of customer to fabricator after three years

Sec. 5. If a customer does not take possession of the customer's die, mold, form, jig, or pattern from a fabricator within three (3) years after the last prior use of the die, mold, form, jig, or pattern, the customer's rights, title, and interest in the customer's die, mold, form, jig, or pattern are transferred to the fabricator pursuant to the procedures of this chapter for purposes of destruction of the die, mold, form, jig, or pattern.

As added by P.L.2-2002, SEC.19.

IC 32-34-6-6**Choice of fabricator to transfer rights, title, and interest to fabricator for destruction; procedure for transfer**

Sec. 6. (a) After the three (3) year period specified in section 4 of this chapter has expired, a fabricator may choose to have all rights, title, and interest in the die, mold, form, jig, or pattern transferred to the fabricator for purposes of destruction. A fabricator seeking a transfer under this subsection must send written notice by registered mail, return receipt requested, to:

- (1) the customer's address as set out in any written agreement between the fabricator and the customer; and
- (2) the customer's last known address;

indicating that the fabricator intends to terminate the customer's rights, title, and interest by having the rights, title, and interest transferred to the fabricator under this chapter.

(b) If a customer:

- (1) does not take possession of the particular die, mold, form, jig, or pattern within ninety (90) days after the date on which the notice was sent under subsection (a); or
- (2) does not make other contractual arrangements with the fabricator for taking possession or for storage of the die, mold, form, jig, or pattern;

all rights, title, and interest of the customer to the mold transfer by operation of this chapter to the fabricator for the purpose of destruction. The fabricator may then destroy the die, mold, or form.
As added by P.L.2-2002, SEC.19.

IC 32-34-6-7**Inapplicability; agreements; patent or copyright law or unfair competition law**

Sec. 7. Nothing in this chapter affects:

- (1) a written agreement between the fabricator and customer concerning possession of the die, mold, form, jig, or pattern; or
- (2) any right of the customer under federal patent or copyright law or any state or federal law pertaining to unfair competition.

As added by P.L.2-2002, SEC.19.